

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

In Re:

Marla Chestnut,

Debtor.

APPLICATION IN SUPPORT  
OF MODIFICATION  
Case No. 15-10780  
Chapter 13

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Marla Chestnut by her attorneys, The Barbaruolo Law Firm, P.C., hereby moves, pursuant to 11 *U.S.C.* §§ 1329 and the Federal Rules of Bankruptcy Procedure, to modify her chapter 13 plan and in support thereof states as follows:

1. The Debtor filed a petition for relief on April 13, 2015.
2. The chapter 13 plan was confirmed on September 8, 2016, with monthly payments of \$490.04 for a period of sixty months.
3. The debtor has funded approximately \$5,572.63 into the plan.
4. The debtor filed this petition with Jonathan Warner, Esq. with the intention to save her home from foreclosure through the Courts Loss Mitigation program. The Barbaruolo Law Firm undertook representation of her case in September 2015 and loss mitigation was successful and terminated in June 2016.
6. The debtor reduced her monthly payments in an effort to afford her mortgage payments. Debtor also had to replace a roof on her home during this period.
7. In an effort to replace the roof on the debtor's home, she has fallen behind on her post-petition mortgage payments. There is currently a pending 362 Motion to Vacate the Automatic Stay which is scheduled to be heard on March 9, 2017.
8. The debtor is requesting to pay the post-petition amount due through the Chapter 13 bankruptcy proceeding.
9. Therefore, the debtor make the request to waive any and all arrears due on her

Chapter 13 plan, through and including February 2017, reducing her monthly plan payments to \$175.00 per month and to include the post-petition default due to Federal National Mortgage Association in the approximate amount of \$5,943.02 which includes the attorney fees accrued for the MFR, with the dividend and plan term remaining unchanged.

WHEREFORE, the debtor respectfully requests that she be permitted to modify her plan to conform to the aforementioned terms pursuant to 11 *U.S.C.* §1329 and for such other and further relief as is just.

DATE OF NOTICE: March 3, 2017

/s/ Paula Barbaruolo  
By: Paula Barbaruolo, Esq.